STATEMENT OF THE SPEAKER

re: **The walkout of the Members on the day of Governor's address, etc.**

MR. SPEAKER.—The item in the agenda relates to the motion which has been partly discussed. I also mentioned that I would be dealing with the point relating to the incident that happened when His Excellency the Governor addressed us and also the point relating to the position of the Leader of the Opposition and other points.

I have postponed consideration of this matter so that members may look into the relevant literature. I have also kept on the Table a large number of books and their list which will be helpful in studying this matter. To facilitate matters, I shall give a brief summary of the position as I have understood it and that should be taken not as an expression of opinion but only for the purpose of stimulating studies so that we may come to some definite conclusions with regard to important matters covered by them.

The first point I will take up is with regard to the incident that happened on the day the Governor addressed us. I will refer to a few articles of the Constitution and then also to the conventions and rules that relate to them.

The position of the President or the Governor and the respect to be shown towards them is a matter of supreme importance. All the citizens or people of the country are governed by the Constitution. There is added emphasis in this behalf with regard to the elected representatives of the Legislatures constituted under the Constitution. They derive all their rights and privileges by and through the Constitution. They have no right to ignore or defy the Constitution. Art., 52 provides that there shall be a President of India. Under Art. 53 the executive power of the Union is vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution. The Ministers are subordintate to him. The President is required, under Art. 60, before entering upon his office, to make and subscribe an oath or affirmation in the prescribed form. Thereunder he undertakes to faithfully execute his duties and further undertakes to preserve, protect and defend the Constitution. Under Art. 77, all executive action of the Government of India shall be expressed to be taken in the name of the President. Orders and other instruments made and executed in the name of the President shall be authenticated in accordance with the Rules to be made by the President. The Prime Minister is saddled with the duty to communicate to the President all decisions of the Council of Ministers relating to the administrative affairs of the Union, etc. Every Member of the Parliament or the State Legislatures has to subscribe to an oath or affirmation whereunder he agrees and binds himself to preserve, protect and respect the Constitution. Art. 86 gives a privilege to the President to address either House of the Parliament or both the Houses assembled together. important is the provision under Art. 87 which contains a mandatory

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provision, Thereunder, at the commencement of the first session after each general election to the House of the people and at the commencement of the first session of each year the President shall address both the Houses of Parliament assembled together and inform the Parliament of the causes of its summons. This is followed by a Motion of Thanks tendered to the President for the address he has delivered.

Analogous provisions with regard to a State are found in part 61 chapter II and III. Under Art. 153 the Office of the Governor is cosntituted. Under Art. 154 executive power of the State is vested in the Governor and is to be exercised by him either directly or through officers subordinate to him in accordance with this Constitution. Under Art. 155 the Governor of a State is appointed by the President by warrant under his hand and seal. The Governor takes the oath or makes the affirmation as provided under Art. 159. He undertakes to faithfully execute the functions of the Office and binds himself to preserve, protect and defend the Constitution. Art. 168 provides for the Constitution of the Legislatures of the State. Important articles with regard to the matters under consideration are Arts. 175 and 176. Art. 175 gives the right to the Governor to address and send messages to the House or Houses while, Art. 176 casts a duty upon the Governor to address the Legislatures. Art. 176 runs as follows :—"At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly, or in the case of a State having a Legislative Council, both Houses assembled together and inform the Legislature of the causes of its summons." This is also followed by a Motion of Thanks which is duly debated upon and submitted to the Governor after being passed by the House.

In all democratic countries the Head of the State or the Federation of the States is held in the highest esteem and respect. The Constitution itself is an amodiment of the rights and privileges and duties and responsibilities of the concerned persons. Even in cases where there is a constitutional head like a monarch in England the highest respect is paid to the office as well as to the individual who occupies the office. It is the uniform pattern prevailing in all civilised countries. The people have thus created and adhered rigidly to certain conventions. They form the very basis of the organised society and well regulated Governments. Everything that tends to keep on the highest pedestal both the office and the individual are strictly observed regardless of party affiliations ; that is why the President of the Governor are made to keep the exalted position above party affiliations. Party may come into power and be displaced. No change in the Cabinet or the ruling party brings about a change in the President or the Governor as a consequence. The President is a President for all and continues to be the President even if party in the power at the time of election of the President is no longer in office. Similarly, when once the Governor is appointed he is the

agreed representative, the symbol and reflection of the highest authority of the land; that is why the Governor also is placed above party Changes in Cabinet or ruling party do not bring about a change in the Governor.

If we focus our attention even on less important conventions and the steps that are taken to maintain certain conventions at high levels the force of the argument that office of the President or the Governor should never be allowed to be belittled by any course of conduct on the part of anybody at any time emerges clearly. For instance, there is the National Flag. It is to be respected by every person in the country. Even a foreigner who comes from abroad is bound to respect it. Much more so, the citizen of the country. Various rules and conventions have established that. Then again the question of National Anthem is there. The National Anthem has never been shown any disrespect or insulted by anybody or at any time. If these anologous matters require that uniformity of condect, it is crystal clear that every party should place the office of the President or the Governor much higher. It is by voluntary acts of all people without exception that the respect is centred upon the office of the President or the Governor.

The question of disturbing the President or the Governor is wholly inconsistent with the oath taken or affirmation made by a member of Parliament or State Legislature and is also contrary to terms of the Constitution. The high status of the Parliament or the Legislature has to be borne in mind. They are sovereign bodies. Membership of a sovereign body is an exalted position. Any person who occupies at office of the membership of the Parliament or the Legislature cannot afford to forget this high status. He is supposed even to be a model for others to copy. Culture, breeding and good sense ought to previal. In no country has any Head of the State been shown any disrespect.

But one has to remember that prior to 1947 a foreign rule was prevailing. There was no severeign democratic Republic composed of elected representatives. Therefore the end and aim of efforts to oust a foreign Government does not prevail after 1947. What might be justified is a proper step against a foreign Government is not on par with regard to a sovereign elected Government of the country. But human habits do not die or get eliminated easily. The agitational approach, the protest and the walk outs of a conquered race may be right and directed against a foreigner. But the same approach is not justified against the elected Government. The moral values that were put behind that agitational approach in the struggle for Independence do not exist or cannot be brought in or sought to be reflected in continuance of the approach and the steps that are taken under that idea particularly in the infant democracy that we are building; it is absolutely essential that we must show all respect all unqualified respect without any mental reservations to the President or the Governor. All fights, disputes, bickerings should be left severely alone so far as the President or the Governor are concerned. This should be a sustained unbroken effort till the grass roots grow. It should be by passage of time that traditions are built up. We are in the

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period of this transition. All persons inside the Legislature or outside the Legislature ; the public and the Members—in fact the entire people collectively should endeavour and do all and every act calculated to achieve this objective.

Ours is not the only country where the Heads of the State exist. Even in dictatorial Governments or democratic governments whether of the British model or any other model barring our own country there has not been even a single instance where such walk-outs and protests have been exhibited on the Floor of the Legislature. Is it that in other countries there are not the bickerings, party factions, wrongs and rights that are happening ? What prevails in all other countries is traceable to only one supreme basis viz. that the Head of a State should be respected by everybody. By doing so we will be respecting ourselves and the office and the incumbent who fills the office as created by our own Constitution. If Constitution is sacred, equally so sacred is the Head of the Republic or the Head of the State.

There are a multitude of instances where lapses have occurred. One act or other of this type has happened is one legislature or other. This matter came up for consideration on more than one occasion at the Conference of the presiding Officers. There was uniformity of opinion that walk outs or protests or any analogous steps are unworthy of any member. Still with a view to see whether in course of time this will not die out, the point whether it amounts to discourtesy was left open in the pious hope that no such instance would occur again.

Later on the matter has come up for consideration by the various Legislatures. In 1958 the Panjab Vidhana Sabha costituted a committee to enquire into the conduct of certain members for creating rowdy scenes in order to prevent the Governor from delivery his address. There it is observed : "The Governor symbolieses the constitutional authority of the State and he comes here to this house (Panjab Vidhana Sabha) as a part of this House to perform those duties. He has to discharge his duties under the Constitution and an affront to the Governor is an affront to the Constitution because when a member takes oath before entering upon his office he swears that he will abide by the Constitution. It was also decided that the walk-outs were not proper and were as a matter of fact, unconstitutional." The question also was considered whether it was a breach of privilege. In certain aspects it may be but for certain reasons it may not be. Whether it is a breach of privilege or not it is clear that the conduct of such members is highly blameworthy ; inconsistent with the status of the President or the Governor as well as the Legislature concerned. In that report it is further recited that the Speaker of Punjab Vidhana Sabha when he was in United Kingdom was informed by the authorities concerned that a rowdy scene at the time of Governor's address was absolutely unthinkable. The exact words are "We cannot dream of it." So it is unthinkable because the Head of the State is above all political prejudices unaffected by the breezes and storms of

politics. Therefore any kind of a constitutional protest, such as walk-outs and the like, in his presence, has no constitutional meaning. On the other hand it is unmistakably an affront to him, an affront which constitutionally, politically or morally has no justification.

It is to be borne in mind that the members did not have any particular grievance against the Head of the State. It is more as a protest against what they call the lapses or-omissions or commissions on the part of the Government or the Cabinet that they are dissatisfied and want to show their dissatisfaction. The Committee appointed by the Punjab Vidhana Sabha did not make any recommendation regarding the punishment that might be given to those responsible for creating the rowdy scene on that day; because it did not exmine this position. There is yet another instance. This is from third Lok Sabha. A report was presented on 12th March 1963. This is a very comprehensive report which summarises various relevant matter. Therefrom it is seen that the House has the right and duty to maintain order both in the House itself and the precincts. Any misbehaviour in the precincts, whether offender is a member or a stranger, has always been treated by the House (House of Commons) as a breach of privilege. Rightly it has been observed in para 25: "The Committee record their emphatic disapproval of the manner in which the President's office has been dragged into this unseemly controversy and express their profound regret that any Member of Parliament should have indulged in any action which should even remotely reflect on the dignity of the President." The Committee recommended that if "in future any Member of Lok Sabha interrupts obstructs the President's Address to both Houses of Parliament assembled together, either before, during or after the Address, while the President is in the Hall, with any speech or point of order or a walk-out or in any other manner, such interruption, obstruction or show of disrespect may be considered as a grossly disorderly conduct on the part of the offending member and dealt with by the House subsequently on a motion moved by a member." It also further recommended that "in future, for any disorderly conduct during the President's Address, committed by a member, he may be suspended from the service of the House for a period which may extend upto one year."

All available data has been gathered. The Members may kindly look into it. It is neither my purpose nor my duty to any conclusion at this stage. It should not be inferred from what I have said above that I have any particular pre-conceived notions or prejudices in favour of one or the other view. As at present advised, I have no doubt that the members who walked out as a protest when the Governor was addressing or the Leader of the Opposition when he read out one sentence from a note in his hand had the remotest idea in their mind to insult the Governor or were actuated by any desire to wound his feelings. The very contents of the sentence reveal the source of their grievance. Whether it is a genuine grievance or otherwise—it is not my duty to decide and much less at this stage. I have collected the relevant data.

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It is now for the members or the House to act as act as they deem proper.

I shall also make available all the relevant books, if necessary, for the reference of members. I am not demanding a discussion now, unless the members themselves want to discuss it today. On the other hand if they want to study the case deeper and then discuss it, we can have the discussion on some other day. What is to be done ?

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್ (ಗುಬ್ಬಿ).—ತಾವು ಬಹಳ ಮುಖ್ಯವಾದ ಅಂಶಗಳನ್ನು ಹೇಳಿದಿರಿ. ಎಷ್ಟೋ ಜನಕ್ಕೆ ಗೊತ್ತಾಗಲಿಲ್ಲ, ಏಕೆಂದರೆ ಕನ್ನಡದಲ್ಲರಲಿಲ್ಲ. ಕನ್ನಡದಲ್ಲಿ ಹೇಳಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು.

ಅಧ್ಯಕ್ಷರು.—ಬೇಕಾದರೆ ಕನ್ನಡದಲ್ಲಿ ತರ್ಜುಮೆ ಮಾಡಿಸುತ್ತೇನೆ.

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ಇವತ್ತು ಓದಿದ್ದರಲ್ಲಿ ಬಹಳ ಮುಖ್ಯವಾದ ಅಂಶಗಳಿವೆ, ಅವುಗಳನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಆದಷ್ಟು ಬೇಗ ಮಾಡುವುದು ಒಳ್ಳೆಯದು.

MR. SPEAKER.—The other matter is with regard to the Leader of the Opposition.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ತಾವು ಈಗ ಕೊಟ್ಟಿದ್ದು ರೂಲಿಂಗೋ ?

ಅಧ್ಯಕ್ಷರು.—ಒಂದು ಕಥೆ ಉಂಟು. ರಾಮಾಯಣ ಕೇಳಿದ ನಂತರ ರಾಮ ರಾಕ್ಷಸನೋ ಎಂದು ಕೇಳಿದರಂತೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಅದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ಬನ್ನಿ, ಹೇಳಿಕೊಡುತ್ತೇನೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಇದು ಚರ್ಚಾಸ್ಪದವಾದ ವಿಷಯ. ಆದ್ದರಿಂದ ಯಾವಾಗ ಚರ್ಚೆಗೆ ಬರುತ್ತದೆಂದು ತಿಳಿಸಿಬಿಟ್ಟರೆ ಒಳ್ಳೆಯದು.

ಅಧ್ಯಕ್ಷರು.—ಬಾಕಿಯವರೆಲ್ಲರೂ ಕೇಳಿದರು. ನಾನು ಹೇಳಿದೆ ಇದು ಚರ್ಚೆಯಾಗತಕ್ಕಂಥಾ ವಿಷಯ ಎಂದು. ನಿಮಗೆ ಸುಲಭವಾಗಲ ಎಂದು ಬರೆದು ಓದಿ ಏನು ಮಾಡಬೇಕೆಂದು ಹೇಳಿದ್ದೇನೆ. ತಾವೂ ಕೇಳಿದ್ದೀರಿ.

ಶ್ರೀ ಎಸ್. ಗೊಪಾಲ ಗೌಡ.—ತಾವು ಇಷ್ಟು ಕಷ್ಟಪಟ್ಟು ಇಲ್ಲಿಯವರಿಗೆ ಬಹಳ ಉತ್ತಮವಾದ ರೂಲಿಂಗ್‌ನ್ನು ಕೊಟ್ಟುದಕಾಗಿ ನನ್ನ ಕೃತಜ್ಞತೆಗಳನ್ನು ತಮಗೆ ಅರ್ಪಿಸುತ್ತೇನೆ. ಇದರ ಜೊತೆಗೆ ಇನ್ನೊಂದು ವಿಚಾರವು ಕೂಡ ಬರಬೇಕಾಗಿತ್ತು ಎಂದು ಇಲ್ಲಿ ಹೇಳಬೇಕಾಗಿತ್ತು.

ಅಧ್ಯಕ್ಷರು.—ನಿಮಗೆ ನನ್ನ ಮೇಲೆ ಅಭಿಮಾನ ಸಂಪೂರ್ಣವಾಗಿ ಉಂಟು ಎನ್ನುವುದರಲ್ಲಿ ನನಗೆ ಅನುಮಾನವೇ ಇಲ್ಲ. ಅದನ್ನು ನಾನೂ ಒಪ್ಪುತ್ತೇನೆ. ಇದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಇದರಲ್ಲಿ ಅನುಮಾನವೇ ಇಲ್ಲ ಎಂದು ಒಂದು ಸಲವಲ್ಲ ಮೂರು ಸಾರಿ ಹೇಳಿರುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಸಭೆ ಈಗ ಅರ್ಧ ಗಂಟೆ ಕಾಲ ವಿರಾಮಕ್ಕಾಗಿ ಏಳುತ್ತದೆ.

The House adjourned for recess at Ten Minutes past Ten of the Clock and re-assembled at forty Minutes past Ten of the Clock.

[MR. SPEAKER in the Chair]

MR. SPEAKER.—Now I will take up the other point, *i.e.*, the position of the Leader of the Opposition and the scope and contents of the concept.